

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**UNITED STATES OF AMERICA
f/u/b/o TIP TOP
CONSTRUCTION CORP.,**

Plaintiff,

v.

**CMGC BUILDING CORP.,
ENDURANCE AMERICAN
INSURANCE COMPANY,**

Defendants.

1:17-cv-00026-RAM-EAH

**TO: Andrew C. Simpson, Esq.
Carl A. Beckstedt, III, Esq.
Richard Caron Gagliuso, Esq.**

ORDER

THIS MATTER comes before the Court following the District Court adopting in part and rejecting in part this Court's Report & Recommendation ("R&R") on the Motion to Dismiss Counts II, III, and IV of Plaintiff's Complaint, Dkt. No. 122, and the Motion for Partial Summary Judgment concerning Plaintiff's claim for suspension delay damages set forth in Count I and his unjust enrichment/quantum meruit claim set forth in Count V of Plaintiff's Complaint, Dkt. No. 125. The District Court dismissed Counts II, III, IV, and V of the Complaint, and denied the Defendant's motion for partial summary judgment on Count I. Dkt. No. 151. The District Court did not touch upon Count VI of the Complaint, concerning the Miller Act Payment Bond, or Count VII, Breach of the Implied Covenant of Good Faith and Fair Dealing, because they were not argued in the parties' motions/oppositions.

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Given the recent adjudication of the dispositive motions, the Court will schedule a status conference to determine the parties' positions on how they envision the case to proceed.

Accordingly, it is hereby **ORDERED** that a Status Conference will be held on **Friday, September 29, 2023 at 2:00 p.m. in person** in STX Courtroom 3.

ENTER:

Dated: September 19, 2023

/s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE